

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

CHARLES McBURNEY *et al.*,

Defendants.

Case No. C07-5007BHS

ORDER

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. This case has recently been reassigned to the Honorable Judge Settle.

Mr. Marks now litigates under a sanction as a result of improper filings. As part of that sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has filed three documents since entry of the last order (Dkt. # 27, 28, and 29). Document 27 is a motion to strike defendants answer and enter default judgment. This is Mr. Marks second motion for default. A Report and Recommendation to deny default is pending as defendants answered prior to default being entered (Dkt. # 24). **Dkt. # 27 is now UNSEALED.**

Dkt. # 28 is objections to the pending Report and Recommendation. **Dkt. # 28 is now UNSEALED.**

Dkt. # 29 is a motion for judgment on the pleadings regarding defendant's counter claim against

1 Mr. Marks. **Dkt. # 29 is now UNSEALED.**

2 Dkt. # 27 and 28 directly relate to a pending Report and Recommendation and should be placed on
3 Judge Settles Calendar for his consideration along with the Report and Recommendation.

4 Dkt. # 29 is improperly noted for December 14, 2008. A dispositive motion must be noted for four
5 Fridays after filing to allow time for a response and a reply. The motion is now re-noted for **December 28,**
6 **2007.**

7 The clerk's office is directed to send copies of this order to plaintiff and counsel for defendants, re-
8 note Dkt. # 29 for **December 28, 2007**, and note the other two documents, (Dkt. # 27 and 28), on Judge
9 Settles calendar.

10 DATED this 6 day of December, 2007.

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12 /S/ J. Kelley Arnold
13 J. Kelley Arnold
14 United States Magistrate
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